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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,029	07/25/2003	Takaaki Nonaka	JP920020094US1	3361

25259 7590 07/08/2008
IBM CORPORATION
3039 CORNWALLIS RD.
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RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

FLEISCHER, MARK A

ART UNIT	PAPER NUMBER
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3623

NOTIFICATION DATE	DELIVERY MODE
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07/08/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

Notice of Non-Responsive Reply

1. The reply filed on 10 April 2008 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): Applicant states in response to the Examiner's request for additional information pursuant to 37 C.F.R. §1.105 that "Applicant is without immediate knowledge or information **sufficient to form a belief as to the truth** of the allegations contained in paragraphs 3-5 of the Office Action, and therefore, on that basis is **unable to respond** further to the request".

2. Examiner notes that Applicant's "belief as to the truth" of the requirement for information is not a valid response to the 37 CFR §1.105 Requirement for Information Request; nor is the statement that Applicant "is unable to respond". Wherein the Applicant is to provide information, as detailed in the Office Action mailed January 2008, or state that the Applicant does not have or cannot readily obtain an item of required information, *a statement that the item is unknown or cannot be readily obtained will be accepted* as a complete response to the requirement for that item.

3. Applicant is respectfully requested to clearly state the status/availability of each of the information, specifically stating whether the information/materials are unknown or not readily available, as allowed for under MPEP §704.12(b), or are proprietary/non-public documents and that the Applicant does not wish to provide the requested information.

4. The Applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR §1.56. Applicant has previously disclosed that the information of interest is a product of the assignee IBM that is "now commercially available" (see [0003] of the Specification). Moreover, Non-Patent Literature included with the first Office Action suggests that this product may have been on sale or in commercial use more than a year prior to Applicant's filing date. Consequently, Applicant's response is either contradicted by the Applicant's own disclosure or by the Non-Patent Literature cited in the previous Office Action concerning this product.

5. See 37 CFR §1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given a TIME PERIOD of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice,

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whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR §1.136(a).

6. For the convenience of the Applicant, the previous request under 37 CFR §1.105 is repeated here.

- 37 CFR 1.105. Requirements for information.

- (a)

- In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371 (including a reissue application), in a patent, or in a reexamination proceeding, the examiner or other Office employee may require the submission, from individuals identified under § 1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter, for example:

- Commercial databases: The existence of any particularly relevant commercial database known to any of the inventors that could be searched for a particular aspect of the invention.
 - Search: Whether a search of the prior art was made, and if so, what was searched.
 - Related information: A copy of any non-patent literature, published application, or patent (U.S. or foreign), by any of the inventors, that relates to the claimed invention.
 - Information used to draft application: A copy of any non-patent literature, published application, or patent (U.S. or foreign) that was used to draft the application.
 - Information used in invention process: A copy of any non-patent literature, published application, or patent

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(U.S. or foreign) that was used in the invention process, such as by designing around or providing a solution to accomplish an invention result.

- Improvements: Where the claimed invention is an improvement, identification of what is being improved.
 - In Use: Identification of any use of the claimed invention known to any of the inventors at the time the application was filed notwithstanding the date of the use.
 - Technical information known to applicant. Technical information known to applicant concerning the related art, the disclosure, the claimed subject matter, other factual information pertinent to patentability, or concerning the accuracy of the examiner's stated interpretation of such items.
- This is a request that applicants provide the information identified above especially where emphasis is added. If applicants have this information, then applicants are required, under the provisions of 37 CFR 1.56, to disclose the information to the Office.
 - Applicant is not required or being asked to conduct a search for information beyond applicants own immediate files. If Applicant does not have immediate knowledge of the information requested, then a statement that the information sought is unknown or not readily available to the Applicant will be accepted by the office as a complete reply.
 - **Why the Request for Information is Reasonably Necessary:** Applicant/Assignee International Business Machines (hereinafter IBM) is in the business of producing workflow management systems software. Although an IDS has been submitted, IBM likely possesses additional knowledge reasonably pertinent to the examination of this application. If so, please send only relevant and pertinent information to the Examiner. Specifically, please send the Examiner information relating to the software product trademarked "**FormWave**". IBM has noted in the

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background of the specification that the invention is embodied in the software product trademarked by **FormWave** and further, that non-patent literature as noted in this response suggests the invention's commercial use more than a year prior to applicant's filing date. Consequently, the Examiner needs to ascertain whether the material requested discloses and/or describes the invention claimed and the date in which the aforementioned software product was described.

- **Information Requested of Applicants:** If Applicant possesses any of the information above, Applicant is required to send: publications of pertinent information as well as the dates of the aforementioned information.

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to Dr. **Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Beth Van Doren** whose telephone number is **571.272.6737** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free). Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

P.O. Box 1450

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or faxed to **571-273-8300**.

Hand delivered responses should be brought to the **United States Patent and Trademark Office**

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Alexandria, VA 22314.

Mark A. Fleischer, Ph.D.
/Mark A Fleischer/
Examiner, Art Unit 3623

26 June 2008

/Scott L Jarrett/

Primary Examiner, Art Unit 3623